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09/937,542	09/26/2001	Michael S.G. Bell	40198/181160(CAN100)	2060

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EXAMINER

NGUYEN, VI X

ART UNIT PAPER NUMBER

3731

DATE MAILED: 06/24/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

# Office Action Summary

Application No.

09/937,542

Applicant(s)

BELL ET AL.

Examiner

Victor X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Specification*

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5-27 are rejected under 35 U.S.C. 102 (b) as being anticipated by Rosenberg (U.S. 4,960,419).

Regarding claim 1, Rosenberg shows in figures 1-3a, a handle assembly (2) for a detachable scalpel blade (4) includes a handle body (2), wherein a blade bar (12) has a portion protruding from the handle body (2) for engaging the blade and urging the blade (4) into engagement with the handle body (2).

Regarding claims 3 and 5, wherein the blade (4) receives in a groove (fig. 3a, item 13), wherein the bar (12) is bent and the groove (fig. 3a, item 13) is parallel to the longitudinal axis.

Regarding claims 6-11, Rosenberg shows in figures 5, 8 and 9, wherein the collet (308) has a bore (314) and the collet (308) has a slit (figs 8 and 9) within the end of the blade (4) is received; wherein the collet (308) has at least one sloping face for guiding the blade (4) into the slit; and wherein the bore (314) has an oval shape (fig. 8) so that the bar (12) can move laterally within the bore along orthogonal axis to the longitudinal axis.

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Regarding claims 12-14, Rosenberg shows in figures 5, 8 and 9, wherein the bar (12) is coupled to an actuator (320 b) for urging the portion of the bar out of the handle assembly; wherein the actuator (320 b) is a button attached to a rod (308).

Regarding claims 15-18, Rosenberg shows in figures 3, 5, 8 and 9, wherein the handle body further includes a handle grip, a collet (308) and a collet core (314); wherein the handle grip (310) has oval shape (figures 8 and 9), wherein the handle grip (310) includes ribs (314 a, b); and wherein the collet (308) flares at its proximal end.

Regarding claims 19-20, Rosenberg shows in figure 1, a retainer (30) captures the rod within the handle body (2); and wherein the retainer (30) attaches to the handle body (2).

Regarding claims 21-27, Rosenberg shows in figures 1, 3, 5-6 and 8-9, wherein a handle body (2) has a blade bar (12), a tang (not labeled) and a spring (fig. 6, item 212); wherein the collet (308) includes a bore (314); and wherein at least one sloping face guides the blade (4) into the slot.

Claims 21-43 are rejected under 35 U.S.C. 102 (b) as being anticipated by Friedman (U.S. 1,940,855).

Regarding claims 21 and 22, Friedman discloses in figures 2-5, a handle assembly for a detachable scalpel blade (1) includes a handle body (3); a blade bar (6); and wherein a spring (5) uses for urging the blade bar into the handle body (3). Furthermore, the tang is defined by a groove (2) and a heel (fig. 4).

Regarding claims 23, 28 and 29, Friedman discloses in figures 2-5, a handle assembly for a detachable scalpel blade (1) includes a handle body (3); a blade bar (6); and wherein a spring

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(5) uses for urging the blade bar into the handle body (3); a collet (4 is considered a collet).

Furthermore, the tang is defined by a groove (2) and a heel (fig. 4).

Regarding claims 24 and 25, wherein the collet (4) further includes a bore within which the blade bar (3) is positioned. The collet further includes a slot (fig. 5).

Regarding claims 26 and 27, wherein the collet includes at least one face sloping toward the slot; and wherein at least one sloping face guides the blade (1) end into the slot.

Regarding claims 30 and 31, wherein the blade (1) is received in a groove in the protruding portion of the bar (6); and wherein the bar (6) is bent and the groove is approximately parallel to the longitudinal axis (fig. 5).

Regarding claims 32 and 33, wherein the collet (4) has a slit (2) within which an end of the blade (1) is received; and wherein the collet has at least one sloping face for guiding the blade (1) into the slit.

Regarding claims 34 and 35, wherein the collet has a pair of faces sloping toward the slit for guiding the blade (1) end into the slit; and wherein the bore (3) is sized to permit the bar to move laterally from the axis orthogonal to the longitudinal axis.

Regarding claims 36 and 37, wherein the bore (3) has an oval cross sectional shape so the bar can move laterally within the bore; and wherein the bar (5) is coupled to an actuator (9).

Regarding claims 38 and 39, wherein the actuator (9) is a button attached to a rod (8) which attaches to the bar (fig. 4); and wherein the rod (8) has two ends and the bar (5) attaches to one end and the button (9) attaches to the other end.

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Regarding claims 40 and 41, wherein the handle body further includes a handle grip (fig. 1); a collet (4) having a proximal end and a collet core (fig. 4); wherein the collet flares at its proximal end.

Regarding claims 42 and 43, wherein the assembly further includes a retainer (5) for capturing the rod (8) within the handle body (3); and wherein the retainer (5) is attached to the handle body (3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4 are rejected under 35 U.S.C 103 (a) as being unpatentable over Rosenberg (4,960,419) in view of Thimsen et al (4,649,919).

Regarding claims 2 and 4, Rosenberg discloses the invention substantially as claimed. However, Rosenberg does not disclose a coil spring. Thimsen et al teaches a coil spring (fig. 11, item 88).

It would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify Rosenberg by adding a coil spring as taught by Thimsen et al in order to facilitate a cutting motion to the blade bar.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Pat. No. 5,924,206 to Cote et al

U.S. Pat. No. 5,695,511 to Cano

U.S. Pat. No. 5,957,945 to Bays

U.S. Pat. No. 6,228,097 to Levinson

U.S. Pat. No. 4,522,206 to Whipple

U.S. Pat. No. 3,877,147 to Cummings

U.S. Pat. No. 5,314,417 to Stephens


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X Nguyen whose telephone number is (703) 305-4898. The examiner can normally be reached on M-F (8-4.30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on (703) 308-2496. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Victor X Nguyen  
Examiner  
Art Unit 3731

vn  
June 10, 2003

  
MICHAEL J. MILANO  
SUPERVISORY PATENT EXAMINER  
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